

REMARKS

The present application was filed on April 6, 2000, and claims priority to U.S. Provisional Patent Application Serial No. 60/158,777, filed on October 12, 1999. All of originally-filed claims 1-91 remain pending. Claims 1, 44, 90 and 91 are the pending independent claims.

Claims 1-4, 6, 7, 29, 30, 35-37, 39-48, 50, 51, 73, 74, 79-81, 83-87 and 89-91 are rejected under 35 U.S.C. §102(a) as being anticipated by Abrams et al., “UML: An Application-Independent XML User Interface Language” (hereinafter “Abrams”).

Claims 5, 31, 32, 49, 75 and 76 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abrams.

Claims 8-28, 34, 52-72 and 78 are rejected under 35 U.S.C. §103(a) as being unpatentable over Abrams in view of U.S. Patent No. 6,269,336 (hereinafter “Ladd”).

Claims 33, 38, 77, 82 and 88 are indicated as containing allowable subject matter.

As a preliminary matter, Applicants gratefully acknowledge both the Examiner’s withdrawal of the rejections over Papierniak, and the aforementioned indication of allowable subject matter.

Regarding the §102 rejection of claim 1, Applicants initially note that the Federal Circuit has recently reiterated that “unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §102.” *Net MoneyIN Inc. v. VeriSign Inc.*, 545 F.3d 1359, 1369, 88 USPQ2d 1751, 1760 (Fed. Cir. 2008)

Claim 1 specifies that the recited interaction-based programming components are independent of content/application logic and presentation requirements associated with the application, and further specifies that the interaction-based programming components are independent of any modality and any modality-specific browser.

In formulating the rejection of claim 1 on the present Office Action at page 3, second paragraph, the Examiner argues that the above-noted limitation is met by Abrams at “(Section 2, ‘Create natural separation of user interface from non-interface code’).” More particularly, the relied-upon portion of Abrams describes an arrangement in which an application program is

“divided into two parts: (1) the user interface, and (2) the code behind the interface that implements the internal logic of the program and interacts with external entities.”

However, neither the user interface nor the non-interface code are interaction-based programming components that are independent of content/application logic and presentation requirements associated with the application, and also independent of any modality and any modality-specific browser, as recited in claim 1. The non-interface code referred to in the Examiner’s rejection is code which “implements the internal logic of the program,” and hence clearly is not independent of content/application logic, as cited in claim 1.

With regard to the user interface referred to in the Examiner’s rejection, Abrams teaches an arrangement in which “UIML describes a user interface with five sections: *description, structure, data, style, and events*,” each of which must be present within the “logical structure of an interface description in UIML.” See Abrams at Sections 3.2 and 3.2.1.

As discussed in Abrams in Section 3.2.2: “The <structure> section specifies which elements from the description section are present for a given appliance. . . . The <data> section contains data that is appliance-independent but application-dependent. . . . The <style> section contains the style sheet information and data that are appliance-dependent. . . . Finally, the <events> section describes the runtime interface events, which . . . are both appliance-dependent and application-dependent.”

Thus, the UIML definition of the user interface is clearly both appliance-dependent and application-dependent, as each element described therein is either appliance-dependent, application-dependent, or both. As such, Applicants respectfully maintain that Abrams fails to teach, or even to suggest, any interaction-based programming components that are independent of content/application logic and presentation requirements associated with the application, and also independent of any modality and any modality-specific browser, as recited in claim 1. Thus, claim 1 is believed to be patentable over Abrams.

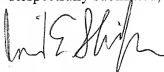
Independent claims 44, 90 and 91 include limitations similar to those recited in claim 1, and are believed to be similarly patentable over Abrams.

The dependent claims are believed to be patentable at least by virtue of their dependency from the independent claims; moreover, the additional references cited do not remedy the above-

noted fundamental deficiency of Abrams with regard to the limitations of the independent claims. These claims are also believed to define separately patentable subject matter.

In view of the above, Applicants believe that claims 1-91 are in condition for allowance, and respectfully request favorable reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. E. Shifren', written over a horizontal line.

Date: June 17, 2009

David E. Shifren
Attorney for Applicant(s)
Reg. No. 59,329
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2641